THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Civil Contempt Petition No. 359of 2006 (S/J)

Jag Mehar Singh Sharma S/O Late Sri Kabool Singh, TG-II, 132-KK. V.Sub-Station Majra, District Dehradun.

… Applicant.

Versus

Sri Sharad Krishan, Director (H.R.) Uttaranchal Power Corporation Ltd. Urja Bhawan Kanwali Road, Dehradun.

… Respondent.

Sri B.P.Nautiyal, Adv., learned counsel for the applicant.

Dated December 01, 2006.

PC:(Hon'ble B.S. Verma, J.)

Heard learned counsel for the applicant at length.

This contempt petition has been filed against the respondent for having floated the order of this Court vide dated 7-2-2006 passed in Writ Petition No. 1945(S/S) of 2005, Jag Mehar Singh Sharma Vs. Chairman/M.D. Uttaranchal Power Corporation and others.

In that writ petition, order was passed to the effect that "the respondents are directed to consider the representation of the petitioner within a period of two months from the filing of the certified copy of the order keeping in view the seniority of the petitioner subject to the relevant service regulations as mentioned in paragraphs 5 and 65 of the writ petition."

In compliance of the Court's order dated 07-2-2006, the respondent authority has considered the claim of the petitioner for promotion and the case of the petitioner for promotion has been rejected as is apparent from the order/letter No. 1967/Ni (Ma.S.)/U.Pa.Ka.Li./Anu.Ka.-E/E-8 dated 9-5-2006 issued by the respondent to the applicant-petitioner.

The contention of the learned counsel for the petitioner is that the petitioner had to be promoted, which was not done by the respondent-authority. So far as the contempt of the Court's order dated 07-2-2006 is concerned, I do not find flouting of court's order. However, the petitioner shall be at liberty to challenge the order dated 9-5-2006 passed by the respondent authority by filing a fresh writ petition, if he feels aggrieved from the decision of the respondent.

With this observation, the contempt petition is hereby dismissed in-limine.

(B.S. Verma, J.)

RCP